

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

GARY AURITT,

PLAINTIFF

v.

SHANNON AURITT,

DEFENDANT

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CIVIL No. 2:18-cv-471-DBH

PROCEDURAL ORDER

The defendant moved to have this case heard quickly, saying she was willing to consent to the Magistrate Judge hearing it (ECF No. 157). In response, the plaintiff said: “Plaintiff will do his best to work with Defendant Shannon Auritt to pick a date certain for trial that will not interfere with her wedding plans, *which the Magistrate Judge might be able to accommodate pursuant to Section 3 of the Court’s ‘Order on Pending Motions’* [ECF Doc. 156].” Pl.’s Resp. (ECF No. 170) (emphasis added). In the Order referred to, I had said that I was “not in a position to grant a date certain for this bench trial” due to the state of the criminal docket and that “[i]f the parties desire a date certain, they should consent to trial before the Magistrate Judge who may be able to accommodate them if a courtroom is available. Otherwise, the case will be on a trailing list for June.” Order on Pending Mots. (ECF No. 156).

It is immaterial to the Court whether the parties choose to consent to the Magistrate Judge and voluntariness must be preserved, see 28 U.S.C. § 636(c)(2); D. Me. Loc. R. 73, but the uncertainty the parties have created here produces scheduling difficulties given the constraints of the pandemic.

Accordingly, the parties shall by May 7, 2021, either file a consent or notify the Clerk's Office that they have decided not to consent to proceed before the Magistrate Judge, without revealing which party declines to consent. See D. Me. Loc. R. 73. In the latter event, the case will remain on a trailing June trial list.

SO ORDERED.

DATED THIS 26TH DAY OF APRIL, 2021

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE